DOCUMENT RESUME

ED 230 141 HE 016 208

AUTHOR	Douglas, Joel M., Ed.
TITLE	Unionization Among College Faculty, 1982.
INSTITUTION	City Univ. of New York, N.Y. Bernard Baruch Coll. National Center for the Study of Collective Bargaining in Higher Education and the Professions.
PUB DATE	Apr 83
NOTE	10p.; Contains a bibliography, see HE 016 207.
AVAILABLE FROM	National Center for the Study of Collective Bargaining in Higher Education and the Professions, Baruch College, 17 Lexington Avenue, New York, NY 10010 ($4.00).
PUB TYPE	Collected Works - Serials (022) -- Reports - Descriptive (141)
JOURNAL CIT	National Center for the Study of Collective Bargaining in Higher Education and the Professions Newsletter; v11 n2 Apr-May 1983
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Collective Bargaining; *College Faculty; *Contracts; Higher Education; Institutional Characteristics; Private Colleges; State Colleges; Two Year Colleges; *Unions

ABSTRACT

Information on institutions engaged in academic collective bargaining with recognized bargaining units in 1982 is presented. Attention is directed to agents elected, "no-agent" elections, decertifications, strikes and legislation, and adjunct faculty bargaining units. It was found that the number of institutions conducting collective bargaining remained relatively stable. However, the addition of California State University as a unionized institution is viewed as a significant gain by bargaining proponents. The overall number of collective bargaining agreements diminished as a result of seven decertifications in the private sector that were related to the Yeshiva University case. Two-year public colleges continue to lead all institutional categories in terms of bargaining agents with 273 in that category. Among four-year institutions, no distinction can be made as to bargaining unit frequency, since there are 69 four-year private and 68 four-year public institutions with bargaining agents. Overall of the 377 agreements in existence, 314 are in the public sector. The following materials are included: listings by institutions on contracts, unit size, and dates; and a list of 200 institutions having collective bargaining agreements; and a bibliography on salary and compensation issues. (SW)

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NEWSLETTER

National Center for the Study
of Collective Bargaining in
Higher Education and the Professions

Published at Baruch College City University of New York Vol 11, No. 2

April May 1983

UNIONIZATION AMONG COLLEGE FACULTY - 1982

ED230141

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NEWSLETTER

NATIONAL CENTER FOR THE STUDY OF COLLECTIVE BARGAINING IN HIGHER EDUCATION AND THE PROFESSIONS

Published at Baruch College • City University of New York • Vol. 11, No. 2 • April May 1983

UNIONIZATION AMONG COLLEGE FACULTY—1982

Higher education was subjected to the same financial constraints experienced by virtually every sector of the American economy during 1982, and thus it is not surprising that academic collective bargaining has also suffered in this depressed climate. Almost every labor relations indicator, including the number of certified bargaining units, the number of collective bargaining agreements in force, the number of elections won by bargaining agents and the number of first contracts signed, experienced a decline in 1982. Concomitantly, the number of decertifications showed a marked increase as did the number of "no-agent" votes relative to agents elected. However, a major offset to the decreases cited above was the election of the Congress of Faculty Associations (CFA), a coalition of the NEA, AAUP, and CSEA, as the bargaining agent for over 18,000 faculty at California State University (CSU).

AGENTS ELECTED

Table One summarizes the results of elections held in 1982 concerning agents elected, "No-agent" votes and changes in agent status. Also included are the seven decertifications, all of which were related to *Yeshiva* claims and litigation. The number of recognized agents increased by one in 1982, bringing the total to 423. This number has remained relatively stable during the past four years with 406 agents in 1979, 427 in 1980, and 422 in 1981. Agents were elected at CSU in the faculty, academic support and the physicians units. The certification of the CFA as the bargaining agent for the faculty in the vast nineteen campus unit brings an end to the lengthy struggle between the United Professors of California (UPC), the AFT affiliate, and the CFA. The initial 1981 election between the two organizations resulted in the necessity of a run-off election as only 49 votes out of some 15,000 cast separated the two organizations. The run-off election in July 1982 saw an even closer margin with only a twelve vote difference between the two groups. The result of the second run-off election was certified in February 1983, with the CFA being declared the winner by 39 votes.

In other units at CSU, the UPC/AFT won the bargaining rights for a unit of 1500 academic support personnel by a vote of 486 for the UPC/AFT and 414 for the CFA, while the Union of American Physicians and Dentists was certified as the representative for the physicians unit by a vote of 83 for the UAPD, 3 for the UPC, and 19 voting for "no-agent."

Three of the representation elections were held in California, making it the most active state in terms of faculty organizing rights. At Imperial Valley College, the NEA won representation rights for a unit of 100 faculty by a vote of 52 to 45 for "no-agent." At San Mateo Community College, the AFT successfully challenged the NEA and won bargaining rights for more than 1100 faculty members by a vote of 350 for the AFT, 300 for the CTA/NEA and 23 voting for "no-agent." At the University of San Francisco, the California Federation of Teachers (CFT/AFT) defeated an independent faculty organization which had previously bargained for the faculty since 1975, by a vote of 137-33. At Montgomery County Community College in Pennsylvania, the Pennsylvania Federation of Teachers (PaFT/AFT) successfully challenged the AAUP and won representational rights by a vote of 82-24.

The elections at San Mateo, the University of San Francisco and Montgomery County are technically considered decertifications. However, for purposes of the *Directory*, elections in which one organization replaces another as the bargaining agent are classified as a change in agent status. The decertification category is reserved for those situations in which a bargaining agent election is lost by the certified agent to "no-agent," or when the NLRB or appropriate state agency determines that the certified agent is no longer "representative."

At Seton Hall University in New Jersey, the AFT won bargaining rights from an independent faculty association which had negotiated agreements although it was not an NLRB or state certified bargaining agent. The vote was 176 for the AFT and 124 for the independent. Subsequent to the AFT's successful challenge, the university filed a *Yeshiva* claim which resulted in litigation on both the status of the bargaining unit as well as the role of the AFT vis-a-vis the independent faculty association. It appears that the AFT victory may have placed it in the midst of another prolonged and expensive *Yeshiva* case.

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TABLE ONE
SUMMARY OF ELECTIONS—1982

A. AGENTS ELECTED

INSTITUTION	STATE	UNIT SIZE	VOTE	AGENT ELECTED
American University • Adjunct Unit	DC	37	28 (ELIFA) - 1 (N.A.)	ELIFA
California State University	CA	18,000	6580 (CFA/NEA/AAUP) - 6541 (UPC)	CFA/NEA/AAUP
• Academic Support	CA	1,500	486 (UPC/AFT), 414 (CFA)	UPC/AFT
• Physicians Unit	CA	150	83 (UAPD), 3 (UPC), 19 (N.A.)	UAPD
Imperial Valley College	CA	100	52 (NEA) - 45 (N.A.)	NEA
Mount Hood Community College • Adjunct Unit	OR	400	130 (OEA) - 124 (N.A.)	OEA
Seton Hall	NJ	350	176(AFT) - 124 (Ind.)	AFT

B. "NO-AGENT" VOTES

INSTITUTION	STATE	UNIT SIZE	VOTE	AGENT DEFEATED
Bradford College	MA	N/A	15 (N.A.) - 10 (IBT)	IBT
Grand Valley College	MI	N/A	117 (N.A.) - 64 (NEA)	NEA
Michigan State University	MI	N/A	939 (N.A.), 400 (AAUP), 252 (MEA/NEA)	AAUP; MEA/NEA
Somerset County College Adjunct Unit	NJ	N/A	42 (N.A.) - 34 (AFT)	AFT
University of Alaska	AK	N/A	312 (N.A.) - 182 (NEA)	NEA

C. AGENTS DECERTIFIED

INSTITUTION	STATE	UNIT SIZE	VOTE	AGENT DECERTIFIED
Ashland College	OH	82	N/A	AAUP
College of Osteopathic Medicine & Surgery	IA	65	N/A	AFT
Curry College	MA	80 ft., 15 pt.	N/A	AAUP
Daemen College	NY	80	N/A	AAUP
Drury College	MO	60	N/A	AAUP
Stevens Institute of Technology	NJ	109	N/A	AAUP
Wagner College	NY	105	N/A	AFT

D. CHANGE IN AGENT STATUS

INSTITUTION	STATE	UNIT SIZE	VOTE	FORMER	CURRENT
Gateway Technical Institute	WI	160	74 (WEA), 63 (AFT), 4 (N.A.)	AFT	WEA
Montgomery County Community College	PA	150	82 (PaFT/AFT) - 24 (AAUP)	AAUP	PaFT/AFT
Post College	CT	32	N/A	PCFA/AAUP	PCFA
San Mateo Community College	CA	1,100	350 (AFT), 300 (CTA/NEA), 23 (N.A.)	NEA	AFT
University of San Francisco	CA	241	137 (CFT/AFT) - 33 (N.A.)	Ind.	CFT/AFT

Source: NCSCBHEP Research

Two units of adjunct faculty elected bargaining agents. At Mount Hood Community College, the Oregon Education Association won bargaining rights for a unit of over 400 adjunct faculty by a vote of 130 for the OEA to 124 for "no agent," while at American University, the adjuncts at the English Language Institute elected an independent faculty association as their representative by a vote of 28 to 1. The election at American was significant inasmuch as the administration had filed a *Yeshiva* claim challenging the right of the faculty to organize under the protection of the National Labor Relations Act. However, that claim was rejected by the NLRB.

In Wisconsin, the NEA affiliate, the Wisconsin Education Association, won bargaining rights for 160 adjunct faculty at Gateway Technical Institute from the AFT which previously had representation rights. The vote was 74 for the WEA, 63 for the AFT and 4 for "no agent." In Connecticut, the faculty at Post College decided to give bargaining rights to an independent faculty association which had previously shared them with the AAUP.

"NO-AGENT" ELECTIONS

"No-agent" elections were reported at five institutions including Michigan State University where the AAUP and NEA had been conducting a long-standing campaign to unionize the faculty. The vote was 939 "no agent," 400 AAUP and 252 MEA/NEA. This marked the third election at Michigan State; the others were in 1972 and 1978. At Grand Valley College, also in Michigan, the NEA was unsuccessful in its fourth attempt to gain representational rights. Previous elections were held in 1974, 1977 and 1980. The 1982 vote was 117 for "no-agent" and 64 for the NEA. Further research is needed in the area of repeated "no-agent" votes at the same campus and perhaps, Michigan State and Grant Valley might serve as a laboratory where such studies might be conducted.

The faculty at the University of Alaska rejected unionization by a vote of 312 for "no agent" and 182 for the NEA. A public sector *Yeshiva* claim was filed by the university at the same time the election campaign was pending, giving support to the theory that the claim had its genesis in ensuring a "union-free environment" rather than in labor law. The claim was denied. However, the large margin of victory by "no agent" gave support to those who argued that the *Yeshiva* petition was premature.

The adjunct faculty at Somerset community College in New Jersey rejected an organizing drive by the AFT, preferring "no-agent" by a vote of 42 to 34. Perhaps the most surprising "no-agent" election occurred at Bradford College in Massachusetts, where the faculty rejected an organizing drive by the International Brotherhood of Teamsters by a vote of 15 to 10. The administration at Bradford had filed a *Yeshiva* claim, however, their petition was denied. The decision of the NLRB granted bargaining rights to the faculty, which the faculty ultimately voted to reject.

DECERTIFICATIONS

A record number of decertifications, seven, occurred this year, all of which were directly attributed to *Yeshiva*. At four of these institutions, the AAUP voluntarily withdrew its claim to agent status in exchange for the college recanting *Yeshiva* petitions and settling instead for non-traditional agreements. These occurred at Curry College, MA, where the AAUP had been the agent since 1979, Drury College, MO, where the AAUP had bargained since 1979, Daemen College, NY, where the AAUP was elected in 1979, and Ashland College, OH, where the AAUP signed the initial agreement in 1972. Except for Daemen, the AAUP chapters chose not to negotiate successor collective bargaining agreements and elected to structure employment relations on another model.

At the College of Osteopathic Medicine and Surgery, IA, the AFT was decertified after seven years of being the bargaining agent. This action occurred as a result of a successful *Yeshiva* claim filed by the college. At Wagner College, NY, the AFT was decertified, even though the regional director found that the managerial status enjoyed by the faculty came about as a result of collective bargaining. Once again, *Yeshiva* controlled. A similar ruling was issued for Stevens Institute of Technology, NJ, where the AAUP was decertified after six years as the bargaining agent.

Yeshiva continues to be a major impediment to those seeking either to maintain certification or organize faculty in private institutions of higher education. Unions must now defend against *Yeshiva* claims, in addition to overcoming traditional election difficulties. For a complete analysis of the *Yeshiva* decision (*NLRB v. Yeshiva University*, 444 U.S. 672 (1980)), see NCSCBHEP Newsletter, Vol. 8, No. 1, Vol. 9, No. 2, and Vol. 10, No. 3.

STRIKES AND LEGISLATION

For the first time since NCSCBHEP began to collect strike data, no "back-to-school" strikes were reported at the outset of the 1982-1983 academic year. The only strikes during the 1982 calendar year were at Prairie State College, IL, Montgomery County Community College, PA, and Nassau Community College, NY. The Nassau strike involved a unit of adjunct faculty affiliated with the NEA. The Montgomery County strike occurred during the early part of the fall semester and was the second strike in two years by the AAUP affiliate there. The longest reported strike in 1982 occurred at Prairie State where the AFT affiliate struck for 77 days.

The number of reported "back-to-school" strikes has declined in recent years from six in 1977, twelve in 1978, eight in 1980 and six in 1981. Whether or not the decline in strike activity represents a maturing of the unionized employment relationship or can be attributed to economic uncertainty and fear of retrenchment is unknown.

For the fourth consecutive year, no state enacted enabling legislation which would have granted collective bargaining rights to faculty in public institutions. A collective bargaining bill was defeated by one vote in the Wisconsin Legislature in both 1981 and 1982. Other states, most notably Maryland, are contemplating passage of such legislation. In the state of Texas, although no legislation is predicted, the national faculty unions are exploring organizing drives. Although the legal environment in Texas appears prohibitive for faculty bargaining, in terms of numbers, Texas remains an attractive target.

SUMMARY AND CONCLUSIONS

The number of institutions engaged in academic collective bargaining with recognized bargaining units during 1982 remain relatively stable. However, the addition of CSU into the ranks of unionized institutions is viewed as a significant gain for those who support collective bargaining in higher education.

In addition to the demographics involved at CSU, the very fact of collective bargaining in one of the major university systems in the country will have a profound impact on college governance in the University of California System, where only one of the nine campuses thus far has chosen to engage in collective bargaining.

The overall number of collective bargaining agreements diminished as a result of seven *Yeshiva*-related decertifications in the private sector.

Two-year public colleges continue to lead all institutional categories in terms of bargaining agents with 273 in that category. Among four-year institutions, no distinction can be made as to bargaining unit frequency as there are 69 four-year private and 68 four-year public institutions with bargaining agents.

The private vs. public sector split continued to widen as a result of the legal environment. Of the 377 agreements in existence, 314 are in the public sector. A comparison of bargaining agents shows an even greater difference with 341 in the

public sector and 82 in the private sector.

Of the fifteen elections held in 1982, seven were won by faculty unions. Five "no-agent" elections were recorded, while the remaining three elections involved change of agent status.

Minimal new organizing was reported in the private sector. The elections at Seton Hall and the University of San Francisco where the AFT won bargaining rights from independent faculty organizations cannot be considered as major gains.

Future growth in academic collective bargaining will depend greatly on new public sector legislation and the ever-changing legal environment. If the Wisconsin bill is passed, it is expected that the faculty at the state college system will support unionization. Since a separate unit has been proposed for that group, as distinct from the faculty at the university centers, all indications are that partial unionization will occur. Should a Maryland law be enacted, increased unionization is expected, especially at two-year institutions.

While none of the three national organizations have entered into institutional merger arrangements, that topic continues to be widely discussed. The CFA/NEA/AAUP coalition at CSU and the PSC/AFT/AAUP merger at the City University of New York might be indicative of future trends at large public institutions. If so, then more concerted organizing drives, without the need for unions to spend their resources competing against each other, can be expected.

No legislative change is expected concerning *Yeshiva*, however, most parties believe that the pending decisions at Boston University and Polytechnic Institute of New York will be controlling for future cases.

Thus, the 1983 union agendas are likely to focus on anticipated new legislation in Wisconsin and Maryland, increased organization cooperation and attempts at curtailing unfavorable *Yeshiva* decisions. The negotiations of the initial contract at CSU will also be significant.

As expected, college administrators see the above issues differently. However, all parties agree that the economic climate for 1983, whether it be recession or recovery, will be a prime determinant for collective bargaining in higher education.

ADJUNCT FACULTY BARGAINING UNITS

The role of adjunct faculty in collective bargaining in higher education continues to be controversial. On the one hand, there is a faction in bargaining who sees adjuncts providing a safety cushion for full-time faculty in the event of layoffs and, therefore, advocate their inclusion in the same bargaining units as full-time faculty. On the other hand, another faction maintains that a community of interest does not exist between adjuncts and full-timers, and thus separate units are the answer.

While no hard data pertaining to the number of adjuncts covered by collective bargaining agreements is available, Table Two identifies those institutions where adjunct faculty have been organized into separate bargaining units. Of the eleven institutions identified, six have negotiated collective agreements. Two units were organized during 1982 and it is still too soon to predict when collective agreements might be forthcoming. Four of the units are represented by the AFT, four by the NEA, while three are independent.

The number of adjunct faculty covered by these agreements is approximately 5,000. Although no separate study has been conducted as to the number of total organized adjuncts, at the time of the National Center's "Salary and Compensation Methodology Study" conducted in June 1981, 90 agreements out of a total sample of 207 had adjunct faculty included in the same bargaining units as full-timers. Excluding the three adjunct contracts from the sample, we find that 44% of the contracts surveyed in that study contained adjuncts in the same units as full-timers (See NCSCBHEP Newsletter, Vol. 11, No. 1, for complete details of the Salary and Compensation Methodology Study.)

The question of the greater use of adjunct faculty has recently become more complex with faculty unionists charging that the employment of adjuncts vis-a-vis full-timers has recently increased. One example cited was a change in the regulation of the State Education Department of the University of the State of New York which had previously required that there be at least 50% full-time faculty in every college division of all post-secondary institutions of learning. In June 1982, the 50% requirement was eliminated. Section 52.2(b)(2) now requires:

> To foster and maintain continuity and stability in academic programs and policies, there shall be in the institution sufficient number of faculty members who serve full-time at the institution.

While the impact of this mandate is still unknown, there is a growing concern over the increased use of "subway gypsies" and their suburban counterparts, the "freeway gypsies" in large urban institutions.

With the difficulties that currently exist in organizing full-time faculty, it will be interesting to observe whether or not greater organizing drives will be undertaken to recruit adjunct faculty into the ranks of the unionized faculty.

TABLE TWO
ADJUNCT FACULTY CONTRACTS AND BARGAINING AGENTS IN HIGHER EDUCATION

INSTITUTION	STATE	UNIT SIZE	AGENT	YEAR CURRENT AGENT ELECTED	CONTRACT EXPIR. DATE
American University	DC	37	ELIFA	1982	—
Coast Community College	CA	1433	NEA	1980	6/30/83
Community College of Philadelphia	PA	450	AFT	1981	—
Cornell University Industrial Labor Relations	NY	200	NYSUT	1981	8/31/83
Long Island University, C.W. Post Center	NY	1000	NYEA/NEA	1978	10/31/83
Mount Hood Community College	OR	400	OEA	1982	—
Nassau Community College	NY	700	NYSUT/AFT	1973	10/31/84
Portland State University	OR	200	AFT	1979	6/30/85
Rhode Island School of Design	RI	40	NEA	1980	—
Rutgers State University	NJ	125	Ind.	1978	—
Saddleback Community College	CA	500	Ind.	1976	6/30/83

Source: NCSCBHEP Research

SALARY AND COMPENSATION ISSUES: A SELECTED BIBLIOGRAPHY

In the last edition of the *Newsletter*, Volume 11, No. 1, we analyzed Salary and Compensation Methodology in Academic Collective Bargaining. As part of that project, a bibliography was developed which, due to space limitations, was not printed as part of the original study. It is reproduced here in its entirety.

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NATIONAL CENTER NEWSLETTER

A publication of the National Center issued five times during the year. Annual subscription rate: $20; single copy, $4.00; free to Center members. Back issues available

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"BRAIN UPDATE"

The Baruch Retrieval of Automated Information for Negotiations contract file now contains approximately 200 collective bargaining agreements. This list is constantly being updated to reflect the most current information available, and upon user request, can include any specified faculty agreement. This list is set forth below for your reference and convenience.

United States

ADELPHI UNIV
ADIRONDACK
ALLEGHENY CC
ANTIOCH LAW
ASHLAND COLL

BALTIMORE CC
BELLEVILLE C
BELLEVUE CC
BERGEN CC
BOSTON UNIV.

BRIDGEPORT U
BROOME C.C.
BRYANT COLL
CAYUGA CNTY
CENTRAL YMCA

CENTR MICH U
CHICAGO CITY
CINCINNATI U
CLINTON C.C.
COAST C.C.

COL LAKE CTY
COLUMBIA-GRNE
COMPTON C.C.
CONN CC SYST
CONN HTH CTR

CONN ST TECH
CON. UNIV.
CONTRA COSTA
CST GUARD AC
CUNY

DELAWARE U.
DES MOINES
DETROIT UNIV
DUTCHESS CC
EAST MICH U.

EAT MONTANA
EDISON C.C.
EMERSON COLL
ERIE COM. COL
FAIRLGH DICK

FASHION INST
FERRIS STATE
FINGER LAKES
FLORIDA S.U.
FORT STELCOM

FRNKLN PIERC
FULTON MONTG
GENESEE
GROSS MT COLL
HAWAII UNIV.

HENRY FORD
HERKIMER CC
HIGHLINE CC
HOFSTRA UNIV
HUDSON - EOC

HUDSON VALLY
ILINOIS CNT
INDIAN RIVER
IOWA LAKE CC
JAMESTOWN CC

JEFFERSON CC
KENT STATE U
LAKE CNTY CC
LANE C.C.
LANSING C.C.

LONG ISLAND U
LOS ANGEL CC
LOS RIOS CC
MACOMB C.C.
MAIN UNIV.

MARYMT COLL.
METROTCH CC
MINNESOTA CC
MOHAWK VALLY
MONROE C.C.

MONTANA U.
MONTGOMRY CC
MORTON COLL.
MT.HOOD CC
MUSKEGON CC

NASSAU C.C.
NASSAU (ADJ)
NIAGARA CNTY
NIAGARA UNIV
N.J. MEDDEN

NORTH CNTRY
NORHT IOWA U
NORTH MICH U
OAKLAND UNIV
OCEAN COUNTY

ONONDAGA CC
ORAGNE CNTY
PENN ST COLL
PORTLAND S.U
PRAIRIE ST C

PRATT INST IT
REGIS COLL.
RHODE ISLD U
RIDER COLL.
ROBT MORRIS

ROCKLAND CC
SAN FRAN. U.
SAN JOAQUIN
SAN JOSE CC
SCHENECTADY

SEATTLE C.C.
SHORELINE CC
SIERRA JT CC
SKAGIT VALLY
SOMERSET COL

SOUTHWESTERN
SPOKANE C.C.
STH DAKOTA
SUFFOLK CNTY
SULLIVAN CC

SUNY
TACOMA C.C.
THORNTON CC
TRITON COLL.
ULSTER CNTY

UTICA COLL.
VENTURA C.C.
WASHNGTN CC
WAYNE C.C.
WAYNE S.U.

WENTWTH TECH
WESTCHESTER
WEST MICH U.
WILLIAMPT CC
W. IOWA TECH

Canada

ACADIA UNIV.
ALBERTA UNIV
ALGOMA COLL.
ARMND FRAPP.
ATHABASCA U.

BISHOPS UNIV.
BRANDON UNIV
CALGARY UNIV
CAMPION COLL
CARLETON U.

DALHOUSIE U.
ECPOLYLTECH.
INRS
LAKEHEAD U.
LAURENTIAN U

LAVAL UNIV.
LAVAL DENTST
LETHBRIDGE U
MAN. DENTAL
MANITOBA U.

MONCTON UNIV
MONTREAL: MED
MONTREAL: PRO
NEW BRNSWICK
NOVA SCOT AG

N SCOT TECH
O.I.S.E.
OTTAWA UNIV.
P.E.I. UNIV.
QUEBEC (CHIC)

QUEBEC (MTL)
QUEBEC (RIM)
QUEBEC(3-RV)
REGINA UNIV.
RYERSON TECH

SAINTE-ANNE
SASKATCH. U.
SHERBRK: ING
SHERBRK: PRC
ST BONIFACE

ST-MARY UNIV
ST-MARY LIBR
ST THOM MORE
ST THOMAS U.TORONTO U.

TRENT UNIV.
VICTORIA U.
WINDSOR UNIV
WINNIPEG U.
YORK UNIV.